

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

GRACE CHEN and DANIELLE
VILLARREAL, individually and on
behalf of all others similarly situated,

Case No. 1:23-cv-1129-JMB-PJG

Plaintiffs,

District Judge: Jane M. Beckering

Magistrate Judge: Phillip J. Green

v.

HILLSDALE COLLEGE,

Defendant.

**DEFENDANT HILLSDALE COLLEGE'S MOTION TO DISMISS
THE CLASS ACTION COMPLAINT FOR FAILURE TO STATE A CLAIM
UPON WHICH RELIEF CAN BE GRANTED**

Defendant Hillsdale College, through its undersigned counsel, hereby moves to dismiss Plaintiffs' Class Action Complaint (ECF No. 1) with prejudice under Federal Rule of Civil Procedure 12(b)(6) on the following grounds: (1) Hillsdale's status as a tax-exempt institution does not alone render Title IX applicable to Hillsdale and, even if Title IX did apply, Plaintiffs fail to state a claim under Title IX; (2) Plaintiffs fail to state a claim of negligence; (3) Plaintiffs fail to state a claim for intentional infliction of emotional distress; (4) Plaintiffs fail to state a claim for negligent infliction of emotional distress; (5) Plaintiffs fail to state a claim under the Elliott-Larsen Civil Rights Act; (6) Plaintiffs fail to state a claim under the Michigan Consumer Protection Act; and (7) Plaintiffs fail to state a claim for injunctive relief.

WHEREFORE, for these reasons and those stated more fully in the concurrently filed brief, Defendant respectfully requests that this Court grant Defendant's motion to dismiss Plaintiffs' Class Action Complaint in its entirety with prejudice.

Dated: December 21, 2023

Sarah L. Nirenberg
Carey A. DeWitt
BUTZEL LONG, P.C.
201 West Big Beaver Road, Suite 1200
Troy, MI 48084
(248) 258-2919
(248) 228-1439 (fax)
nirenberg@butzel.com

Respectfully submitted,

s/ Ryan J. Walsh
Ryan J. Walsh
EIMER STAHL LLP
10 East Doty Street, Suite 621
Madison, WI 53703
(608) 620-8346
(312) 692-1718 (fax)
rwalsh@eimerstahl.com

Allyson N. Ho (application for
admission forthcoming)
GIBSON, DUNN & CRUTCHER LLP
2001 Ross Avenue, Suite 2100
Dallas, TX 75201
(214) 698 3233
(214) 571-2971 (fax)
aho@gibsondunn.com

Counsel for Defendant